

Paper No. 35

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In re Patent No.
6,506,559
Issue Date: January 14, 2003
Application No. 09/215,257
Filing Date: December 18, 1998
Attorney Docket No. PM256628

OFFICE OF PETITIONS
ON PETITIONS

This is a decision on the petition under 37 CFR 1.183 filed January 22, 2003, to waive the requirements of 37 CFR 3.81 and accept the correction of the assignee data on the front page of the above-identified patent. This is also a decision on the petition under 37 CFR 1.182 to reprint the assignees name on the front page of the Letter of Patent.

The petition under 37 CFR 1.183 to correct the assignee data is **GRANTED**.

The petition under 37 CFR 1.182 to reprint the front page of the Letters of Patent is **DISMISSED**.

TREATMENT UNDER 37 CFR 1.183

Petitioner is advised that it is the practice of the Patent and Trademark Office (PTO) to issue a certificate of correction to correct an error on the part of an applicant in those cases where the assignee or attorney data is incorrect or was inadvertently not provided at the time of payment of the issue fee or the inventor's name is misspelled or otherwise incorrect. Note 37 CFR 1.323 and MPEP 1481, which states:

Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee issue a Certificate of Correction, of the correction does not involve such changes in the patent as would constitute new matter or would require reexamination.

Further, a correction of assignee data after issuance of the patent can only be made if the assignment was recorded before the issue date of the patent. Assignments to The Carnegie Institution of Washington and the University of Massachusetts were recorded on March 19, 1999, prior to the January 14, 2003, issue date of the patent. It is possible, therefore, to correct the assignee data on the patent; the petition under 37 CFR 1.183 is granted.

Although the correction can be accomplished by a Certificate of Correction, petitioner has requested that the front page of the Letters of Patent be reprinted.

TREATMENT UNDER 37 CFR 1.182

Petitioner has requested that the front page of the Letters of Patent be reprinted because of extenuating circumstances relative to the public nature of the invention and out of fairness to the assignees. The PTO will reprint the front page of the Letter of Patent if the following conditions are met:

1. submission of the petition fee under 37 CFR 1.182.
2. payment of the \$130.00 petition fee.
3. payment of a \$100.00 fee to place a certificate of correction in the PTO archives.
4. return of the original Letters of Patent.

The petition under 37 CFR 1.182 to reprint the front page of the Letter of Patent cannot be granted at this time because petitioner did not return the original Letters of Patent. Although the petition under 37 CFR 1.183 has been granted, no further action will be taken relative to the issuance of a Certificate of Correction until petitioner provides a response to this decision. An appropriate response would be either a renewed petition under 37 CFR 1.182 accompanied by the Letter of Patent or a letter indicating that petitioner no longer seeks the reprinting of the Letter of Patent and that the Certificate of Correction will suffice.

Deposit account 50-0310 will be assessed \$130.00 for the petition under 37 CFR 1.183 and \$130.00 for the petition under 37 CFR 1.182.

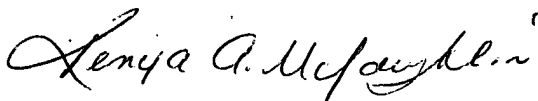
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 308-6916
 Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
 2201 South Clark Place
 Arlington, Virginia

Telephone inquiries should be directed to the undersigned (703) 305-0010.



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